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PATENT

Attorney Docket No.: GENE1200-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Gunter Hofmann

Application No.: 09/900,601

Filed: July 5, 2001

For: IMPROVED APPARATUS FOR  
ELECTROPORATION MEDIATED  
DELIVERY OF DRUGS AND GENES

) Group Art Unit: 3763

)

) Examiner: Unassigned

)

) CERTIFICATION UNDER 37 CFR § 1.8

)

) I hereby certify that the documents referred to as enclosed herein  
) are being deposited with the United States Postal Service as first  
) class mail on this date November 14, 2001, in an  
) envelope addressed to Commissioner for Patents, Washington,  
) D.C. 20231

)

) Stephanie Shavitt  
) (Name of person mailing paper)

)

) Stephanie Shavitt  
) Signature

Box MISSING PARTS  
Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed August 14, 2001,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (1 page);
2. An executed Declaration for Patent Application (2 pages);
3. A Power of Attorney by Assignee (2 pages);
4. A Recordation Cover Sheet and executed Assignment (4 pages);
5. Substitute Specification (38 pages of specification; 6 pages of claims; 1 page of Abstract);
6. Petition for an Extension of Time (2 pages);
7. Preliminary Amendment (5 pages); and
8. Check in the amount of \$160.00;

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Gunter Hofman  
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PATENT  
Attorney Docket No.: GENE1200-10

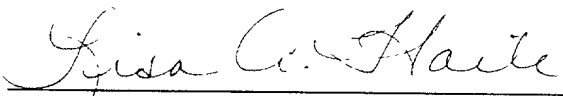
The filing fee has been calculated as shown below:

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	22-20	=	2	X	\$09	\$18	=	\$18.00	\$ 00
Independent Claims	6-3	=	3	X	\$39	\$78	=	\$117.00	\$ 00
Multiple Dependent Claims Presented ____ Yes <u>X</u> No					\$130	\$260		0	0
					BASIC FEE			\$380.00	\$760 00
					TOTAL FEE			\$515.00	\$760.00

Enclosed is a check in the amount of \$160.00 to cover the surcharge fee of \$65.00, \$40.00 for the recordation fee and \$55.00 for the petition of extension of time fee. The Commissioner is authorized to charge any additional fees or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 11/14/01

  
Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
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Gunter Hofmann  
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Enclosed is a check in the amount of \$160.00 which includes the one (1)-month extension of time fee of \$55.00, and if additional fees are due associated with the filing submitted herewith, deduct any payment or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date:

11/14/01

Lisa A. Haile

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San Diego, California 92121-2133

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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09,900,601	07.05.2001	Gunter A. Hofmann	GENE1200-10

CONFIRMATION NO. 6087

## FORMALITIES LETTER



\*OC00000006424481\*

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

Date Mailed 08/14/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The following item(s) appear to have been **omitted** from the application:

- Page(s) **32 & 35** of the specification (description and claims)

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.


III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the

original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE